IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 55 OF 2007.

CRIMINAL APPEAL NO. 524 OF 2006

Imtiyaj Alias Bablu Shaikhlal Tamboli ..Applicant
V/s
State of Maharahtra & Ors ...Respondent.

Mr. Sudatta Patil, Advocate for the applicant

Ms. S.V. Gajare, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 29TH JANUARY, 2007.

P.C.

. Heard Mr. Patil, learned Counsel for the applicant and Ms. S.V.Gajare, APP for the State.

2. The applicant was convicted for the offence under section 376 (2) r/w section 511 of Indian Penal code and was sentenced to undergo RI for 7 years and to pay fine of Rs. 5000/-. He was also convicted for the offence punishable under section 354 of IPC and sentenced to undergo R.I. for 1 year and to pay fine of Rs.500/-. He has preferred the appeal against the conviction and sentence. The appeal is admitted. By

this application, he seeks to be released on bail pending final hearing and disposal of the appeal.

3. Perused the judgment and relevant prosecution evidence. According to the prosecution, some time in April, 2005, three girls each around 7 to 8 years went to the shop of the present applicant for purchasing of Pepsi and chocolate. He allured them to his godown and there he attempted to commit rape on each of them, but rape was not actually committed. The report of the incident was lodged in May, 2005 when one of the girl disclosed the incident to her parents. In the case of attempt to commit rape on small girls, the applicant was on bail during the trial of the case and there is no allegation of misuse of the bail. Now after the impugned judgment he is in jail for last about 9 months. In view of the circumstances, I find that bail may be granted to the present applicant pending hearing and final disposal of the appeal.

4. For the aforesaid reasons , the applicant is granted bail on same terms and conditions as before the trial Court subject to executing fresh bail bonds and depositing of fine amount with further conditions that

he shall attend Atpadi Police station on every 1st and 15th day of each month between 4.00 p.m. to 6.00 p.m. till disposal of the appeal.

(J.H. BHATIA, J.)